

REMARKS

The present invention relates to a dual analyzer comprising a hydrogen-flame photometric analyzer and a hydrogen-flame ionization detector, and a method for analyzing a thin-layer chromatograph using hydrogen-flame photometry and hydrogen-flame ionization, whereby a compound containing a hetero element can be selectively detected.

In the final Office Action of January 26, 2005, claims 1, 3-5, and 7-10 were rejected under 35 U.S.C. § 102(b) or alternatively under 35 U.S.C. § 103(a) based on JP 62-100649 (JP '649) in view of U.S. Patent No. 3,489,498 (Brody et al). Furthermore, claims 7 and 8 were rejected for obviousness-type double patenting with respect to copending Application No. 10/893,217.

Applicants responses to these remaining rejections are set forth below.

I. Double patenting rejection:

With respect to the double patenting rejection of claims 7 and 8 directed to an analyzing method, these claims have been cancelled, thereby obviating the double patenting rejection.

II. Rejection under 35 U.S.C. § 102(b) or 103(a)

In the Amendment dated November 1, 2004, Applicants asserted the advantageous effects of the present invention on the basis of the differences in the material of the

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/069,573

chromatographic element (see page 8, the last paragraph to page 9, the third paragraph of the Amendment). That is, whereas a strip porous paper material is used as a carrier in the flame analysis method and apparatus disclosed in JP 62-100649, the thin-layer chromatography element is composed of a heat-resistant support and a heat-resistant chromatographic carrier.

Applicants again note the fact, which has apparently evaded the Examiner's attention, that this material is different for the present invention *vis-à-vis* the JP '649 reference, and such does not appear to be obvious based on JP '649 even further considering the Brody et al reference.

In addition to the foregoing points, it is noted that Brody et al relates to flame photometric detectors for gas chromatographs (see column 1, lines 26-27); thus, Brody et al does not disclose or suggest a thin-layer chromatography element composed of a heat-resistant support and a heat-resistant chromatography carrier.

In view of the cancellation of claims 7 and 8, and the foregoing remarks, it is respectfully submitted that remaining claims 1, 3, 4, 5, 9 and 10 are now in condition for allowance. Accordingly, entry of this Amendment and allowance of the remaining claims is earnestly solicited.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/069,573

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

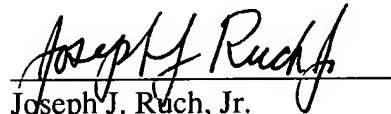
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Joseph J. Ruch, Jr.
Registration No. 26,577

Date: May 26, 2005